

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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KLAUSNER TECHNOLOGIES, INC.,

Plaintiff,

-against-

TARIDIUM, LLC,

Defendant.
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MEMORANDUM
AND ORDER
11-Civ-0593 (KAM)(SMG)

Plaintiff Klausner Technologies moves pursuant to Federal Rule of Civil Procedure 25(c) to substitute IPVX Patent Holdings, Inc. as the sole plaintiff in this case. Docket Entry 21. Rule 25(c) provides that, when an interest is transferred, an order may be entered substituting the transferee for the original party.

This action claims infringement of Patent No. 5,572,576 (the “’576 Patent”). Klausner Technologies represents that all rights in the ‘576 patent were transferred to IPVX on May 17, 2012, and has submitted a copy of an assignment effectuating that transfer in support of its motion. Docket Entry 21-1.

Defendant Taridium has submitted opposition to plaintiff’s motion in which it did not object to joinder of IPVX, but did oppose substitution.. Docket Entry 22. In its opposition, Taridium argued that it planned to seek discovery from and assert counterclaims against Klausner, and that Klausner should therefore remain a party to the litigation. Since filing its opposition, however, Taridium has consented to the withdrawal of its counsel, and has been advised that failure to appear through new counsel by March 15, 2013 would result in its default. Docket Entry 39. Taridium has not appeared through new counsel. Accordingly, whatever merit

there may once have been to its arguments in opposition to plaintiff's motion, they are now moot.

For the reasons stated above, plaintiff's motion is GRANTED, and IPVX Patent Holdings, Inc. is substituted for Klausner Technologies, Inc. for all purposes of this litigation, including as named plaintiff.

SO ORDERED.

/s/
Steven M. Gold
United States Magistrate Judge

Brooklyn, New York
April 10, 2013